

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY AUGUST 14, 2002  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
19925 TWENTY-THREE MILE ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: KENNETH MEERSCHAERT, JR.  
DINO F. BUCCI, JR.  
CHARLES OLIVER

Also in attendance: Colleen O'Connor, Township Attorney  
Jim VanTiflin, Township Engineer  
Jerome R. Schmeiser, Community Planning Consultant  
(Additional attendance record on file with Clerk)

ABSENT: JANET DUNN

CALL MEETING TO ORDER

**MOTION by OLIVER seconded by MEERSCHAERT to exclude the name of member Janet Dunn for all future motions.**

**MOTION carried.**

PLEDGE OF ALLEGIANCE

1. ROLL CALL
2. Approval of Agenda Items (with any addendum)

**MOTION by BUCCI seconded by KOEHS to approve the agenda items with the following addendum's:**

Table:

12. **Rezoning Request; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Located on the southeast corner of 26 Mile Road and Hayes Road; Section 6. Salvatore DiMercurio, Petitioner. Permanent Parcel No. 08-06-100-001 & 08-06-100-028.**

**Tabled per petitioner request to August 28, 2002.**

Withdrawal:

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- 13. Rezoning Request; Residential One Family Suburban (R-1-S) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road and approximately  $\frac{3}{4}$  mile east of North Avenue; Section 13. Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-008.**

**Petitioners request to rezone Permanent Parcel No. 08-13-200-019. Withdrawn by petitioner.**

**Addition:**

- 16a. Final Plat: Twin Rivers Subdivision.**

**New Business:**

- 22a. Request to alter grade: The Bluffs of Beaufait Farms Subdivision.**

**Supervisors Comments:**

- 35a. Clinton Township and Shelby Township letter of appreciation.**

- 35b. Michigan Municipal League regarding Workers Compensation Fund.**

- 35c. Southwestern Bell Corporation (SBC) Ameritech.**

**MOTION carried.**

- 3. Approval of Bills**

**MOTION by OLIVER seconded by KOEHS to approve the bills as submitted.**

**MOTION carried.**

- 4. Approval of Meeting Minutes**

**MOTION by MALBURG seconded by BUCCI to approve the meeting minutes of July 24, 2002.**

**MOTION carried.**

- 5. Public Comments (Non Agenda items only - 3 minute time limit) None.**

**PUBLIC HEARING:**

Supervisor BRENNAN opened the Public Hearing at 7:04 P.M.

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6. Request to create Special Assessment District Street Lighting; English Gardens Subdivision.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

**MOTION by OLIVER seconded by KOEHS to close the Public Hearing at 7:06 P.M.**

**MOTION carried.**

**MOTION by OLIVER seconded by MALBURG to move forward on the Request to create Special Assessment District Street Lighting; English Gardens Subdivision Resolution as follows:**

**SAD, Street Lighting English Gardens Estates Subdivision**

**RESOLUTION ORDERING ESTABLISHMENT  
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **August 14<sup>th</sup>, 2002**, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie Malburg, Dino F. Bucci Jr., Kenneth Meerschaert Jr., Charles Oliver.

ABSENT: Janet Dunn

The following preamble and resolution were offered by Member OLIVER and supported by Member MALBURG.

**WHEREAS**, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and **WHEREAS**, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to

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preserve the public health; and **WHEREAS**, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and **WHEREAS**, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at English Gardens Estates Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The initial installation shall equal the sum of \$25,321.24, together with the first annual electrical service charge in the amount of \$2,174.33, the Township's at-large contribution is \$-0-.

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the

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same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

**AYES: OLIVER, MALBURG, BUCCI, MEERSCHAERT, KOEHS, BRENNAN.**

**NAYS: NONE**

**ABSENT: DUNN**

**RESOLUTION DECLARED ADOPTED.**

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MICHAEL D. KOEHS  
MACOMB TOWNSHIP CLERK

**MOTION carried.**

Supervisor BRENNAN opened the Public Hearing at 7:07 P.M.

7. Request to create Special Assessment District Street Lighting; Fairways East Condominiums.

Supervisor BRENNAN reviewed he request.

Public Portion: None.

**MOTION by MEERSCHAERT seconded by OLIVER to close the Public Hearing at 7:08 P.M.**

**MOTION carried.**

Clerk KOEHS stated for the record a letter was received and is included in the Township Board of Trustees Packets from Joann Degregory, indicating her opposition to the Request to create Special Assessment District Street Lighting; Fairways East Condominiums.

**MOTION by KOEHS seconded by MEERSCAHERT to adopt the resolution to create Special Assessment District Street Lighting; Fairways East Condominiums Agreement as follows:**

**TOWNSHIP OF MACOMB  
AND  
FAIRWAYS EAST CONDOMINIUMS**

**AGREEMENT FOR STREET LIGHTING**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall is said Township on **August 14, 2002** at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie Malburg, Dino F. Bucci Jr., Kenneth Meerschaert Jr., Charles Oliver.

ABSENT: Janet Dunn

The following preamble and resolution were offered by Member KOEHS and supported by Member MEERSCHAERT.

**WHEREAS**, the Fairways East Condominiums, desire to provide street lighting for the benefit of its co-owners; and

**WHEREAS**, the Fairways East Condominiums are administered by an association of co-owners; and

**WHEREAS**, the Detroit Edison Company will not contract with the Fairways East Condominiums Association to provide street lighting; and

**WHEREAS**, the Detroit Edison Company's policy to contract with the municipality for street lighting installed by the Detroit Edison Company in the municipality; and

**WHEREAS**, the Fairways East Condominium Association has requested that Macomb Township enter into a contract with Detroit Edison to provide street lighting at the Fairways East Condominiums; and

**WHEREAS**, the Township Board of Trustees has approved a contract with Detroit Edison for the benefit of the Fairways East Condominiums upon certain terms and conditions set forth herein; and

**WHEREAS**, in order to provide street lighting and reimburse Macomb Township for the costs the Township incur as a result of contracting with the Detroit Edison Company to provide street lighting on behalf of the Fairways East Condominiums, the Fairways East Condominium Association agrees to enter into this agreement; and

**WHEREAS**, the Fairways East Condominium Association will reimburse Macomb Township its costs incurred to Detroit Edison for the construction costs,

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including labor, materials, overhead, and annual lamp charges that benefit the Fairways East Condominiums; and

**WHEREAS**, the Fairways East Condominium Association represents and warrants that the association has the power and authority to contract with Macomb Township for the purpose of reimbursing Macomb Township costs incurred by the Township to the Detroit Edison Company on behalf of the Fairways East Condominiums; and

**WHEREAS**, the Fairways East Condominium Association has requested the Detroit Edison Company to furnish, install, operate and maintain street lighting facilities as set forth in the Detroit Edison Company proposal No. 423453 dated July 1, 2002, which is made a part of this agreement;

**NOW THEREFORE,**

1. Macomb Township shall execute an Agreement for Municipal Street Lighting with the Detroit Edison Company for the benefit of the Fairways East Condominiums, the purpose of which will be to furnish, install, operate and maintain street lighting equipment and facilities in accordance with proposal No. 423453 dated July 1, 2002, attachment A.
2. All costs associated with providing street lighting to the Fairways East Condominiums and which costs are paid by Macomb Township directly to the Detroit Edison Company, shall be reimbursed by the Fairways East Condominiums, upon demand by Macomb Township.
3. The Fairways East Condominiums understands that the costs to operate and maintain street lighting facilities set forth in proposal No. 423453 may increase from year to year.
4. The Fairways East Condominium Association on behalf of the Fairways East Condominiums agrees to reimburse Macomb Township any increase over the initial contract which may be incurred by Macomb Township to the Detroit Edison Company to provide street lighting to the Fairways East Condominiums.
5. The Fairways East Condominium Association represents and warrants that the Association is vested with authority to enter into this agreement and covenants on behalf of its co-owners to reimburse Macomb Township for any and all payments made by the Township to Detroit Edison Company on behalf of Fairways East Condominiums.
6. In the event that the Fairways East Condominiums fail and/or refuse for a period of ten (10) days after demand for payment to reimburse Macomb Township for monies paid on behalf of the Fairways East Condominiums to Detroit Edison, then Macomb

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Township may request Detroit Edison to remove the street lights and lighting facilities and any costs that are incurred as a result of said removal shall be the responsibility of the Fairways East Condominiums.

7. Macomb Township may avail itself of all legal and equitable remedies to collect any amounts which Macomb Township pays to the Detroit Edison Company on behalf of the Fairways East Condominiums and which amounts have not been reimbursed to Macomb Township, together with all costs incurred by Macomb Township to recover such sums including actual attorney fees.

8. The Fairways East Condominiums Association on behalf of itself and each of the co-owners of the Fairways East Condominiums, agree to hold harmless, indemnify and defend Macomb Township, its trustees, agents and employees from any and all claims, losses, actions, suits, judgments, attorney fees, costs, liabilities and expenses whatsoever which may hereafter be asserted by any person or other entity against Macomb Township for any acts, transactions, or occurrences arising out of the installation and/or operation of street lighting as provided for in this agreement.

TOWNSHIP OF MACOMB FAIRWAYS EAST CONDOMINIUMS

By: \_\_\_\_\_  
Michael D. Koehs, Clerk

By: \_\_\_\_\_  
, Its President

By: \_\_\_\_\_  
John D. Brennan, Supervisor

By: \_\_\_\_\_  
, Its Vice-President

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Pre-Printed Portion of Document  
Drafted by:

Lawrence W. Dloski  
ANTHONY, SEIBERT AND DLOSKI, PLLC  
59 North Walnut, 202 Vicant Building  
Mt. Clemens, MI 48043

**After recording return to:**

Michael D. Koehs, Clerk  
MACOMB TOWNSHIP  
19925 23 Mile Road  
Macomb, MI 48042

**FOR THIS MOTION: KOEHS, MEERSCHAERT, OLIVER, BUCCI, MALBURG,  
BRENNAN.**



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**OPPOSED: NONE.**

**ABSENT: DUNN.**

**MOTION carried.**

**PLANNING COMMISSION:**

8. Tentative Preliminary Plat; Westwood Estates No.2; Located north of 23 Mile Road and east of Romeo Plank Road; Section 16. Don West, Petitioner. Permanent Parcel No. 08-16-100-019.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Public Portion: None.

Petitioner: Bob Lindh, representative, present. Mr. Lindh reviewed the request with the members of the Township Board of Trustees.

**MOTION by OLIVER seconded by MALBURG approve the variances for the Tentative Preliminary Plat; Westwood Estates No.2; Located north of 23 Mile Road and east of Romeo Plank Road; Section 16. Don West, Petitioner. Permanent Parcel No. 08-16-100-019. This motion is based upon the Planning Consultants recommendations in accordance with Macomb Township Land Division Ordinance as follows:**

1. The variance be granted to allow the block length for the location of Dogwood Drive to be less than 500 feet.
2. The variance be granted to allow the block length between Pinecone Drive and Birchgrove and Coyote Trail to be greater than 1,320 feet.

**MOTION carried.**

**MOTION by OLIVER seconded by MEERSCHAERT to approve the Tentative Preliminary Plat; Westwood Estates No.2; Located north of 23 Mile Road and east of Romeo Plank Road; Section 16. Don West, Petitioner. Permanent Parcel No. 08-16-100-019.**

**MOTION carried.**

9. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located north of 25 Mile Road and approximately ¼ mile west of Luchtman

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Road; Section 5. Gregory Iacobelli, Petitioner. Permanent Parcel No. 08-05-400-014.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.  
Public Portion: None.

Petitioner: Gregory Iacobelli, present. Mr. Iacobelli reviewed the request with the Township Board of Trustees.

**MOTION by KOEHS seconded by MALBURG to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located north of 25 Mile Road and approximately ¼ mile west of Luchtman Road; Section 5. Gregory Iacobelli, Petitioner. Permanent Parcel No. 08-05-400-014.**

**MOTION carried.**

10. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located north of 25 Mile Road and approximately ½ mile west of Luchtman Road; Section 5. Gregory Iacobelli, Petitioner. Permanent Parcel No. 08-05-400-013.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Public Portion: None.

Petitioner: Gregory Iacobelli, present.

**MOTION by MALBURG seconded by MEERSCAHERT to approve the Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located north of 25 Mile Road and approximately ½ mile west of Luchtman Road; Section 5. Gregory Iacobelli, Petitioner. Permanent Parcel No. 08-05-400-013.**

**MOTION carried.**

11. Rezoning Request; Residential Urban One Family (R-1) to Agricultural (AG); Located on the south side of 22 Mile Road and approximately ¼ mile west of Heydenreich Road; Section 28. George Roland, Petitioner. Permanent Parcel No. 08-28-200-022.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Public Portion: Mike Lerner, Township Resident, reviewed his questions and concerns of the rezoning and held further discussion.

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Petitioner: George Roland, present.

Supervisor BRENNAN reviewed the Planning Consultants recommendation with Colleen O'Connor, Township Attorney.

**MOTION by OLIVER seconded by KOEHS to follow the Planning Consultants recommendations of denial for the Rezoning Request; Residential Urban One Family (R-1) to Agricultural (AG); Located on the south side of 22 Mile Road and approximately ¼ mile west of Heydenreich Road; Section 28. George Roland, Petitioner. Permanent Parcel No. 08-28-200-022.**

**MOTION carried.**

12. Rezoning Request; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Located on the southeast corner of 26 Mile Road and Hayes Road; Section 6. Salvatore DiMercurio, Petitioner. Permanent Parcel No. 08-06-100-001 & 08-06-100-028.

Tabled per petitioner request to August 28, 2002.

13. Rezoning Request; Residential One Family Suburban (R-1-S) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road and approximately ¾ mile east of North Avenue; Section 13. Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-008.

Petitioners request to rezone Permanent Parcel No. 08-13-200-019. Withdrawn per petitioner.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request for the permanent parcel number 08-13-200-008.

Public Portion: None.

Petitioner: Dan Spatafora, representative, present.

**MOTION by KOEHS seconded by MEERSCHAERT to approve the Rezoning Request; Residential One Family Suburban (R-1-S) to Residential Urban One Family (R-1); Located on the south side of 24 Mile Road and approximately ¾ mile east of North Avenue; Section 13. Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-008.**

**MOTION carried.**

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14. Construction/Sales Trailer; Madison Manor Condominiums; Located east of Garfield Road and approximately 1900 feet north of Hall Road; Section 32. Sam LoChirco, Petitioner. Permanent Parcel No. 08-32-300-001.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Public Portion: None.

Petitioner: Bob Lindh, representative, present.

**MOTION by OLIVER seconded by BUCCI to approve the extension of time for one (1) year expiration date August 5, 2003 for the Construction/Sales Trailer; Madison Manor Condominiums; Located east of Garfield Road and approximately 1900 feet north of Hall Road; Section 32. Sam LoChirco, Petitioner. Permanent Parcel No. 08-32-300-001. Based upon the condition that when the temporary construction trailer is removed off the site it will be restored according to the original Site Plan.**

**MOTION carried.**

15. Extension of Time; Tentative Preliminary Plat for the Brook Run Subdivision.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

**MOTION by MALBURG seconded by KOEHS to approve the Extension of Time for one (1) year expiration date August 22, 2003; Tentative Preliminary Plat for the Brook Run Subdivision.**

**MOTION carried**

16. Extension of Time; Tentative Preliminary Plat for the Wingate Farms Subdivision.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

**MOTION by OLIVER seconded by MALBURG to approve the Extension of Time for one (1) year expiration date September 12, 2003: Tentative Preliminary Plat for the Wingate Farms Subdivision.**

**MOTION carried.**

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16a. Final Plat: Twin Rivers Subdivision.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Public Portion: None.

Petitioner: Daryl Gapshes, representative, present.

Mr. Gapshes held further discussion concerning Mapleton Drive construction access with supervisor BRENNAN.

**MOTION by OLIVER seconded by MEERSCHAERT to deny Mapleton Road (a public street) for the use of construction access; Final Plat: Twin Rivers Subdivision.**

**MOTION carried.**

**MOTION by OLIVER seconded by MEERSCHAERT to table to August 28, 2002 per petitioner's request the Final Plat: Twin Rivers Subdivision.**

**MOTION carried.**

**NEW BUSINESS:**

17. Request to schedule Public Hearing to create Special Assessment District Street Lighting; Deerfield Park North Subdivision.

Clerk KOEHS reviewed the hearing date.

**MOTION by KOEHS seconded by BUCCI to approve the request to schedule Public Hearing date on September 11, 2002 to create Special Assessment District Street Lighting; Deerfield Park North Subdivision.**

**MOTION carried.**

18. Request to schedule Public Hearing to create Special Assessment District Street Lighting; Parkview Commons Subdivision.

Clerk KOEHS reviewed the hearing date

**MOTION by KOEHS seconded by MALBURG to approve the request to schedule Public Hearing scheduled for September 11, 2002 to create Special Assessment District Street Lighting; Parkview Commons Subdivision.**

**MOTION carried.**

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19. Request the release of Subdivision Model Permit Bond; Stagsleap Pointe Subdivision; Lot 153; 50895 Shenandoah Drive. MGA Homes, Inc., Petitioner.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

**MOTION by BUCCI seconded by MEERSCHAERT to approve the Request to release the Subdivision Model Permit Bond; Stagsleap Pointe Subdivision; Lot 153; 50895 Shenandoah Drive. MGA Homes, Inc., Petitioner.**

**MOTION carried.**

20. Dangerous Building Ordinance; Lots 96 & 98 of Sumpter Forest Subdivision; Hearing Officer's Recommendations.

Supervisor BRENNAN reviewed the request with Bob Beckett, Building Department Official. Supervisor BRENNAN held further discussion regarding the item and stated no action will be required for this meeting. Supervisor BRENNAN recommended that the petitioner follows the Macomb Township Land Ordinance and pulls the necessary building permits within sixty day from July 16, 2002. Supervisor BRENNAN stated the item will be place on a future agenda if needed.

Public Portion: Brian Winston, Township Resident, reviewed the tentative plans of purchasing the property and reviewed his future intentions with the members of the board.

21. Amendment to Subdivision Fence Regulations; Chapter 14 Code of Ordinances.

Bob Beckett, Building Department Official reviewed the request and stated his recommendations.

Public Portion: Lori Bartsch, Township Resident stated her questions and concerns of the amendment to the Subdivision Fence Regulations. Jerome R. Schmeiser, Community Planning Consultant held further discussion with the resident.

**MOTION by BUCCI seconded by OLIVER to adopt the Amendment to Subdivision Fence Regulations; Chapter 14 Code of Ordinances.**

**MOTION carried.**

22. Request to purchase Computer System.

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Clerk KOEHS held further discussion with the members of the board and representatives from Technology (TIGS) Services, Inc.

**MOTION by MEERSCHAERT seconded by BUCCI to approve the Bid for Gateway Workstation; Single Unit Cost: One thousand four hundred ninety dollars and 00/100 (\$1,490.00). Forty-two (42) units. Total Project Cost: Sixty two thousand five hundred and eighty dollars and 00/100 (\$62,580.00). With Shipping Cost: Thirty-one dollars and 00/100 (\$31.00) Per Unit: Total Shipping One thousand three hundred and two dollars and 00/100 (\$1,302.00).**

**MOTION carried.**

22a. Request to alter grade: The Bluffs of Beaufait Farms Subdivision.

Jim VanTiflin, Township Engineer reviewed his recommendations of approval and held further discussion.

Petitioner: Craig Duckwitz, representative, present.

**MOTION by KOEHS seconded by MALBURG to approve the Request to alter grade: The Bluffs of Beaufait Farms Subdivision.**

**MOTION carried.**

**BUILDING DEPARTMENT:**

23. Request for Plumbing Inspectors to attend Fall Conference.

Bob Beckett, Building Department Official reviewed the request.

**MOTION by MEERSCHAERT seconded by KOEHS to approve the Request for Plumbing Inspectors to attend Fall Conference. Conference Fee: One hundred and ninety five dollars and 00/100 (\$195.00). Lodging Fee: Eighty dollars (\$80.00) per night, three nights requested. Total Cost for two (2) Building Inspectors: Eight hundred seventy dollars and 00/100 (\$870.00).**

**MOTION carried.**

**WATER AND SEWER DEPARTMENT:**

24. Easement Encroachment Agreement, Steven M. & Linda G. Schmidt, 46743 Lehr Drive, Macomb, MI 48044; Lot 133 within the Buckingham Woods Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request.

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Public Portion: None.

**MOTION by KOEHS seconded by MEERSCHAERT to approve the Easement Encroachment Agreement, Steven M. & Linda G. Schmidt, 46743 Lehr Drive, Macomb, MI 48044; Lot 133 within the Buckingham Woods Subdivision.**

**MOTION carried.**

25. Easement Encroachment Agreement, Charles N. & Jennifer B. Agrusa, 50884 Justin Drive, Macomb, MI 48044; Lot 34 within the Middle Branch Estates Subdivision.

David Koss, Water and Sewer Department Superintend, reviewed the request.

Public Portion: None.

**MOTION by OLIVER seconded by KOEHS to approve the Easement Encroachment Agreement, Charles N. & Jennifer B. Agrusa, 50884 Justin Drive, Macomb, MI 48044; Lot 34 within the Middle Branch Estates Subdivision.**

**MOTION carried.**

26. Easement Encroachment Agreement, David F. & Laura a. Latourelle-Mansfield, 20089 Balmoral Drive, Macomb, MI 48044; Lot 49 within the Beacon Square Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Public Portion: None.

**MOTION by KOEHS seconded by MEERSCHAERT to approve the Easement Encroachment Agreement, David F. & Laura a. Latourelle-Mansfield, 20089 Balmoral Drive, Macomb, MI 48044; Lot 49 within the Beacon Square Subdivision.**

**MOTION carried.**

27. Easement Encroachment Agreement, Michael E. & Karen Schaffner, 54129 Lily Drive, Macomb, MI 48042; Lot 292 within the Villa Rosa Subdivision No.5.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Public Portion: None.



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**MOTION by OLIVER seconded by MEERSHAERT to approve the Easement Encroachment Agreement, Michael E. & Karen Schaffner, 54129 Lily Drive, Macomb, MI 48042; Lot 292 within the Villa Rosa Subdivision No.5.**

**MOTION carried.**

28. Easement Encroachment Agreement, Giorlamo & Calogera D'Anna, 51246 Woodside Drive, Macomb, MI 48042; Lot 60 within the Woodside Trails Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Public Portion: None.

**MOTION by KOEHS seconded by MALBURG to approve the Easement Encroachment Agreement, Giorlamo & Calogera D'Anna, 51246 Woodside Drive, Macomb, MI 48042; Lot 60 within the Woodside Trails Subdivision.**

**MOTION carried.**

29. Easement Encroachment Agreement, David & Kim Baldino, 54441 Ashley Lauren Drive, Macomb, MI 48042; Lot 196 within the Huntington Woods Subdivision No.7.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Public Portion: None.

**MOTION by KOEHS seconded by MEERSCHAERT to approve the Easement Encroachment Agreement, David & Kim Baldino, 54441 Ashley Lauren Drive, Macomb, MI 48042; Lot 196 within the Huntington Woods Subdivision No.7.**

**MOTION carried.**

30. Easement Encroachment Agreement, Daniel K. & Debra Ann Hewitt, 46981 Breckenridge Drive, Macomb, MI 48044; Lot 201 within the Breckenridge Village Subdivision.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Public Portion: None.

**MOTOIN by KOEHS seconded by MALBURG to approve the Easement Encroachment Agreement, Daniel K. & Debra Ann Hewitt, 46981 Breckenridge Drive, Macomb, MI 48044; Lot 201 within the Breckenridge Village Subdivision.**

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**MOTION carried.**

31. Request for Temporary Cement Batch Plant Extension of Time, Florence Cement Company.

David Koss, Water and Sewer Department Superintendent reviewed the request.  
Public Portion: None.

**MOTION by OLIVER seconded by KOEHS to approve the Request for Temporary Cement Batch Plant Extension of Time to expire on September 30, 2002. Florence Cement Company.**

**MOTION carried.**

32. Pay Certificate No. 9, Macomb Township Civic Center Offsite Utilities and Roads, DiPonio Contracting.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Public Portion: None.

**MOTION by BUCCI seconded by KOEHS to approve the Pay Certificate No. 9, Macomb Township Civic Center Offsite Utilities and Roads, DiPonio Contracting.**

**MOTION carried.**

33. National Pollutant Discharge Elimination System (NPDES) Phase II, "Watershed Management Plan"

- 33a. Resolution of Participation in the Clinton River East Watershed Group.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Public Portion: None.

**MOTION by KOEHS seconded by BUCCI to approve to adopt the Resolution of Participation in the Clinton River East Watershed Group. The resolution as follows:**

**RESOLUTION OF PARTICIPATION IN THE  
CLINTON RIVER EAST WATERSHED GROUP**

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**Whereas**, the National Pollutant Discharge Elimination System Phase 2 Storm Water Regulations Final Rule adopted in the Federal Register is an unfunded federal mandate that affects the Township of Macomb; and,

**Whereas**, said jurisdiction is obligated to meet all of the requirements thereof; and

**Whereas**, the Middle and Main Branches of the Clinton River traverse a number of neighboring communities; and

**Whereas**, said communities have proposed the formation of the Clinton River East Watershed Group to develop a Watershed Management Plan and implement the watershed-based permit requirements in a cost effective manner; and

**Whereas**, an operating agreement has been proposed for adoption by the communities and organizations comprising the Clinton River East Watershed to aid in decision-making necessary to develop the Watershed Management Plan and economically meet the requirements of the NPDES Phase 2 Rule;

**Be it Therefore Resolved**, that the Chief Executive of the Legislative Body is hereby authorized to sign on its behalf the operating agreement of the Clinton River East Watershed Group as proposed.

**FOR THIS MOTION: KOEHS, BUCCI, MALBURG, OLIVER, MEERSCHAERT, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: DUNN**

**MOTION carried.**

33b. Resolution Authorizing the filing of a Chapter 20 Drain Petition.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Public Portion: None.

**MOTION by KOEHS seconded by MEERSCHAERT to approve to adopt the Resolution Authorizing the filing of a Chapter 20 Drain Petition. The resolution as follows:**

RESOLUTION AUTHORIZING THE FILING OF A  
CHAPTER 20 DRAIN PETITION FOR THE  
CLINTON RIVER EAST WATERSHED DRAIN

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Minutes of a regular meeting of the governing body of Macomb Township, herein  
“Local Unit”, Macomb County, Michigan held in its municipal building, located at 19925  
23 Mile Road, Macomb, Michigan, on Wednesday, August 14, 2002, at 7:00 p.m.

Present:

John D. Brennan, Michael D. Koehs, Marie Malburg, Dino F. Bucci, Jr., Kenneth  
Meerschaert, Charles Oliver.

Absent:

Janet Dunn

The following Resolution was offered by KOEHS and supported by MEERSCHART.

Recitals:

- v Pursuant to federal law and as part of a national environmental program to  
improve the quality of water resources throughout the United States, the Local  
Unit is required to apply for a Phase 2 Storm Water Permit under the Federal  
Water Pollution Control Act on or before March 10, 2003.
- v Municipalities in the State of Michigan obligated to obtain permit coverage under  
the federal law may satisfy the statutory requirement by obtaining a watershed-  
based storm water permit from the Michigan Department of Environmental  
Quality in lieu of a federal jurisdictional-based permit.
- v The watershed-based storm water permit program is preferred over the  
jurisdictional-based permit process because the watershed approach offers greater  
flexibility, cost effectiveness, management efficiency, local control and  
cooperation in dealing with water quality issues that overlap municipal  
boundaries.

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- v The Michigan Drain Code provides statutory authority and a legal framework for satisfying the storm water permit requirements on a collaborative basis with other municipalities and public agencies in the Clinton River East Watershed area.
- v The Clinton River East Watershed consists of all or parts of the following municipalities: cities of Fraser, Mount Clemens, Sterling Heights and Utica; charter townships of Clinton, Harrison and Shelby; general law townships of Bruce, Macomb, Ray and Washington and village of Romeo. The Watershed is further described on the attached map.
- v The proposed Clinton River East Watershed Drain, herein “Project”, will consist of preparing environmental, engineering and planning reports and carrying out activities and works necessary and appropriate to obtain and implement a State of Michigan watershed-based, storm water permit for the Local Unit to satisfy the requirements of the Phase 2 Storm Water Rule mandated by the Federal Water Pollution Control Act for municipal separate storm sewer systems, provided that the cost of the Project shall not exceed the total Emergency Drain monies supplied through the Macomb County Public Works Commissioner to member municipalities and that provided deemed necessary to perform the work to accomplish the described undertaking be sought through competitive bids, with the lowest qualified bidders to be selected. A further description of the studies, reports, activities and works is provided on Exhibit A, attached to and made part of this Resolution.
- v The Project is necessary for reasons of public health, convenience and/or welfare, based upon competent, material and relevant information, as presented in Exhibit B, attached to and made part of this Resolution.
- v The Local Unit agrees that it shall be subject to assessments for project costs, at large, for reasons of public health, except for costs assessed against other

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municipalities in the watershed, and except for costs, if any, assessed against the County of Macomb for drainage of county roads and the State of Michigan, for drainage of state roads.

- v The project will not require the levy of a special assessment, charge or fee against properties specially benefited.

Now therefore be it resolved:

1. The Supervisor of the Local Unit and its clerk are authorized and directed to execute and file with the Macomb County Public Works Commissioner and Petition attached to this Resolution under Chapter 20 of the Michigan Drain Code requesting that the Project described in the preamble be located, established and implemented.

2. The Local Unit declares that the Project is necessary for reasons of public health, convenience and/or welfare, based upon competent, material and relevant information presented in Exhibit B attached to and made a part of the Resolution.

3. The governing body agrees that the Local Unit shall be subject to assessments for projects costs, at large, for public health reasons, except for costs assessed against other municipalities in the watershed and except for costs, if any, assessed against the County of Macomb for drainage of county roads and except for costs, if any, assessed against the State of Michigan, for drainage of state roads.

4. The project will not require the levy of a special assessment, charge of fee against properties specially benefited.

5. All resolutions or parts of resolutions or other proceedings in conflict herewith, if any, are rescinded to the extent of such conflict.

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AYES: KOEHS, MEERSCHAERT, MALBURG, OLIVER, BUCCI, BRENNAN.  
NAYES: NONE

Resolution declared adopted.

**FOR THIS MOTION: KOEHS, MEERSCHAERT, OLIVER, MALBURG, BUCCI,  
BRENNAN**

**OPPOSED: NONE**

**ABSENT: DUNN**

**MOTION carried.**

33c. Approval of Chapter 20 Drain Petition.

David Koss, Water and Sewer Department Superintendent reviewed the request.

Public Portion: None.

**MOTION by KOEHS seconded by MEERSCHAERT to approve the Chapter 20  
Drain Petition.**

CHAPTER 20 DRAIN PETITION  
CLINTON RIVER EAST WATERSHED DRAIN

TO: Anthony V. Marrocco  
Macomb County  
Public Works Commissioner

RE: Clinton River East Watershed Drain

The City/Village/Township of Macomb, herein "Local Unit", petitions Anthony V. Marrocco, Macomb County Public Works Commissioner, under Chapter 20 of the Michigan Drain Code, Act 40 of Public Acts of 1956, as amended, Michigan Compiled Laws Annotated 280.1 et seq., to locate, establish and implement the Project described herein, tentatively designated the Clinton River East Watershed Drain, the description, location and route of the Project design described substantially as follows:

The Project consists of preparing environmental, engineering and planning reports and carrying out activities and works necessary and appropriate to obtain and implement a State of Michigan watershed-based, storm water permit for the Local Unit to satisfy the

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requirements of the Phase 2 Storm Water rule mandated by the Federal Water Pollution Control Act for municipal separate storm sewer systems, provided that the cost of the Project shall not exceed the total Emergency Drain monies supplied through the Macomb County Public Works Commissioner to member municipalities and that providers deemed necessary to perform the work to accomplish the described undertaking be sought through competitive bids, with the lowest qualified bidders to be selected. A further description of the studies, activities and works proposed to be conducted and/or implemented under the Petition is provided on Exhibit A attached to and made part of this Petition.

Your Petitioner states that:

1. The Project is necessary for the public health, convenience and/or welfare of the Local Unit, based upon competent, material and relevant information presented in Exhibit B, attached to and made part of this Petition;
2. The Project is located in Macomb County, Michigan, in an area generally referred to as the Clinton River East Watershed, which is comprised of all or parts of the following municipalities: cities of Fraser, Mount Clemens, Sterling Heights and Utica; charter townships of Clinton, Harrison and Shelby and general law townships of Bruce, Macomb, Ray and Washington and village of Romeo. The Watershed is further described on the attached map, Exhibit C.
3. The Local Unit will be subject to assessments to pay for a portion of the cost of the Project, at large, for benefits to public health, except for costs assessed against other municipalities within the watershed subject to apportionments, and except for assessments against the County of Macomb for drainage of county roads, if any, and against the State of Michigan, for drainage of state roads, if any; and
4. The Project will not necessitate the levy of a special assessment, fee or charge against lands within the Local Unit especially benefited.



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Attached is a certified copy of a Resolution adopted by the governing body of the  
Local Unit authorizing its mayor/president/supervisor and clerk to sign this  
Petition.

**MOTION carried.**

33d. Approval of Operating Agreement, “Clinton River East Watershed Group”.

David Koss, Water and Sewer Department Superintend reviewed the request.

Public Portion: None.

**MOTION by KOEHS seconded by MALBURG to approve the Operating Agreement, “Clinton River East Watershed Group”. The agreement as follows:**

**OPERATING AGREEMENT  
CLINTON RIVER EAST WATERSHED GROUP**

The municipalities and non-municipal organizations (“agencies”) listed on Exhibit A hereby constitute the Clinton River East Watershed Group (the “CREW Group”). The CREW Group has been formed to deal with the requirements of the National Pollutant Discharge Elimination System Phase 2 (“NPDES 2”) rule which requires communities located in urbanized areas to submit applications for a municipal separate storm sewer permit by March 20, 2003; The CREW Group is responsible for providing community specific information necessary to develop a Watershed Management Plan (WMP), reviewing and commenting on draft elements of the WMP and assisting with Public Participation Activities.

The undersigned acknowledge that membership in the CREW Group is voluntary and that the CREW Group is formed for the convenience of its member participants and for the purpose of collective efforts to meet the requirements promulgated by NPDES 2 issues for the CREW as it pertains to each member’s jurisdiction.

Accordingly, the following constitutes the agreement for the operation of the Clinton River East Watershed Group:

1. Meetings shall be held monthly or more or less frequently as the majority of the members may decide.
2. Meetings will be conducted informally and Robert’s Rules of Orders will be utilized when informal procedures do not work.

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3. Meetings shall be run by a Chairperson, as deemed by the Group. The Chairperson shall call the meeting and establish subcommittees, as necessary.
4. Meetings shall follow an agenda established by the Chairperson and distributed to the CREW Group prior to each meeting.
5. Minutes shall be written as a synopsis of the activities of each meeting and provide to the CREW Group members for review and approval.
6. There shall be 2 classes of members: voting and non-voting. Voting members shall be permit holders, as noted in Exhibit A. Non-voting members shall provide input to the watershed permit.
7. Each community designated as a voting member on Exhibit A shall be entitled to one vote.
8. Each member shall have a representative and alternate(s) appointed by their Chief Executive.
9. Each representative shall service in an advisory capacity to its respective member and express their views to the other representatives of the CREW Group.
10. The vote of any representative shall be binding on its respective member only after concurrence of their Chief Executive or Legislative Body.
11. The CREW Group shall have no power to levy any tax or create any indebtedness on any party to this agreement or any other person except as expressly provided by law.
12. Financial participation by voting members shall be subject to and conditioned upon concurrence of the respective voting member and the Legislative Body of each.
13. The members of the CREW Group agree that their participation in this CREW Group shall not be for profit.
14. Financial participation shall be funded from contributions of \$25,000 from each municipal member. Said funds shall be derived from Macomb County Public Works Emergency Drain Fund applications that each member agrees to timely file on an annual basis.
15. The depository of said funds for each voting member shall be vested with the Macomb County Public Works Office.

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16. Non-financial decisions shall be reached by consensus and then by voting, if consensus cannot be reached. Financial decisions, which utilize Emergency Drain Fund money, will be recommended by the CREW Group, with the Chapter 20 Drain Board to make final appropriation. Financial decisions, which do not utilize Emergency Drain fund money, shall be reached by consensus with no final action until concurrence is made with each voting member's respective Chief Executive Legislative Body.
17. Third Party Contracts of the CREW Group, utilizing Emergency Drain Fund money, shall be entered into only where funds are available and the expenditure of said funds and letting of said contract is recommended by a majority of the members of the CREW Group and approved by the Chapter 20 Drain Board.
18. Any member may withdraw from the CREW Group at any time. Upon withdrawal, all rights and future liability between the withdrawing member and the CREW Group shall end.
19. The CREW Group may be dissolved upon the majority vote of the parties then members, but not upon the withdrawal of any single or more than one member.
20. This agreement may be amended by the written agreement of all the members. The CREW Group shall review the operating agreement a minimum of every 2 years.
21. This agreement shall be effective as of the date of the last member's signature affixed hereto.

**MOTION carried.**

**BOARD COMMENTS:**

35. Supervisor Comments

35a. Clinton Township and Shelby Township letter of appreciation.  
Supervisor BRENNAN reviewed the letters of appreciation and special thanks from Clinton Township and Shelby Township directed to David Koss, Water and Sewer Department Superintend and held further discussion.

35b. Michigan Municipal League Workers Compensation Fund.

Supervisor BRENNAN reviewed the Michigan Municipal League involvement with the Township of Macomb. Supervisor BRENNAN reviewed the letter from Michigan Municipal League Workers Compensation Fund congratulating and awarding the Township for receiving one of twenty-seven Loss Control Achievement Awards.

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Supervisor BRENNAN stated these awards recognize the Township for maintaining a safe work environment and the dedication in reducing the workers compensation losses. Supervisor BRENNAN stated the Township has received a certificate from the Michigan Municipal League Workers Compensation Fund.

35c. Southwestern Bell Corporation (SBC) Ameritech

Supervisor BRENNAN reviewed in detail the current phone service The Macomb Township facility holds with Southwestern Bell Corporation (SBC) Ameritech Supervisor BRENNAN held further discussion with the members of the board and stated his recommendations.

**MOTION by OLIVER seconded KOEHS to renew and extend the current contract with Southwestern Bell Corporation (SBC) Ameritech for an additional seven (7) years.**

**MOTION carried.**

**MOTION by KOEHS seconded by MALBURG to continue with Northstar System, upgrade and expand the current phone service with Southwestern Bell Corporation (SBC) Ameritech.**

**MOTION carried.**

36. Clerks Comments:

Clerk KOEHS stated his remarks of the August 6, 2002 Primary Election. Clerk KOEHS reviewed the Deputy Clerk Jim Gelios letter to the members of the Board regarding how well the Primary Election ran.

Treasurer's Comments:

Treasurer Marie Malburg stated her remarks concerning future historical use of the original Macomb Township Hall owned by Don Wade, available for purchase.

37. Trustee's Comments: None.

**EXECUTIVE SESSION:**

**MOTION by KOEHS seconded by MALBURG to adjourn into the Executive Session at 8:43 P.M.**

**MOTION carried.**

Meeting reconvened at 8:51 P.M.

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38. ZBA Appeal Consent Judgement; Cecil St. Pierre; Biondo v Macomb Township.

**MOTION by MEERSCHAERT seconded by OLIVER to deny the ZBA Appeal  
Consent Judgement; Cecil St. Pierre; Biondo v Macomb Township.**

**ADJOURNMENT**

**MOTION by MEERSCHAERT seconded by KOEHS to adjourn the meeting at  
8:52 P.M.**

**MOTION carried.**

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, Clerk

Gabrielle M. Baker, Recording Secretary  
MDK/gmb